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ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	CIAE-00	C-01	OASY-00	DODE-00
	EB-01	HA-09	H-01	INRE-00	INR-01	IO-19	LAB-04
	L-03	ADS-00	NSAE-00	NSCE-00	OIC-02	OMB-01	PA-01
	PM-02	PRS-01	P-01	SIL-00	SNP-00	SP-00	SR-00
	SS-00	STR-17	TRSE-00	T-01	USIE-00	RPE-00	/084W
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P 132135Z JAN 93  
FM AMEMBASSY CARACAS  
TO SECSTATE WASHDC PRIORITY 6720  
INFO AMEMBASSY BOGOTA  
AMEMBASSY BRASILIA  
USCINCSO QUARRY HEIGHTS PM

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E.O. 12356: NA  
TAGS: PGOV, MARR, PINS, PHUM, VE  
SUBJECT: SPECIAL MILITARY COURT HANDS DOWN INITIAL  
VERDICTS; INCIDENT AT FORT TIUNA

REF: (A) 92 CARACAS 13358, (B) 92 CARACAS 13434

1. THE JANUARY 13 CARACAS PRESS REPORTS THAT ON JAN. 12  
THE "SPECIAL WAR COUNCIL," THE SUMMARY MILITARY TRIBUNAL  
ESTABLISHED TO TRY THE ALLEGED MILITARY AND CIVILIAN  
PARTICIPANTS IN THE NOVEMBER 27, 1992 REBELLION, HANDED  
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DOWN ITS INITIAL DECISIONS. THE INFORMATION AS TO THE  
NUMBER OF DEFENDANTS CONVICTED AND THOSE ACQUITTED VARIES  
SOMEWHAT IN THE DIFFERENT PAPERS AND APPEARS INCOMPLETE,  
APPARENTLY BECAUSE THE SOURCE OF THE INFORMATION IS A  
MIXTURE OF LEAKS FROM THE MILITARY, STATEMENTS BY DEFENSE  
LAWYERS, AND INFORMATION RELEASED BY THE OFFICIAL VENPRES  
NEWS AGENCY.

2. NONETHELESS, IT APPEARS THAT APPROXIMATELY 99 OF THE  
DEFENDANTS WERE ACQUITTED AND 97 WERE CONVICTED. THE 99  
INDIVIDUALS ACQUITTED INCLUDE 40 CIVILIANS (INCLUDING

UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: OSCAR J OLSON  
DATE/CASE ID: 09 AUG 2006 200503206

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FORMER CABINET MINISTER MANUEL QUIJADA AND JOSE ANTONIO COVA) AS WELL AS 7 MEMBERS OF THE NATIONAL GUARD, 32 MEMBERS OF THE ARMY, 8 FROM THE NAVY, AND 12 FROM THE AIR FORCE (ONLY ABOUT 20 OF THE MILITARY ACQUITTED WERE OFFICERS). THE FORMER CAUSA R CANDIDATE FOR MAYOR OF THE MUNICIPALITY OF CABIMAS AND THREE OTHER CAUSA R ACTIVISTS WERE AMONG THOSE FOUND INNOCENT. THOSE CONVICTED REPORTEDLY RECEIVED SENTENCES RANGING FROM 14 TO 25 YEARS.

3. THE SPECIAL WAR COUNCIL HAS NOW COMPLETED ITS FUNCTION. IN ITS PLACE, A NEW MILITARY TRIBUNAL WAS CONSTITUTED ON JAN. 12, THE SUPREME WAR COUNCIL, WHICH IS TO BEGIN ITS WORK ON JAN. 13. THE SUPREME WAR COUNCIL WILL ACT AS A COURT OF APPEALS AND DURING THE NEXT TWO TO THREE DAYS WILL REVIEW THE CASES AGAINST THOSE CONVICTED BY THE SPECIAL WAR COUNCIL. IN ADDITION, IT IS EXPECTED THAT THE SUPREME COURT WILL MEET JAN. 13 TO CONSIDER THE REQUEST BY LAWYERS FOR THE 27N DEFENDANTS THAT THE ACCELERATED, SUMMARY TRIAL PROCEDURE IS UNCONSTITUTIONAL AND SHOULD BE DECLARED NULL AND VOID, WITH THE CASES

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REMANDED TO REGULAR MILITARY AND CIVILIAN COURTS (SEE REFTELS).

4. SEPARATELY ON JAN. 12, SOME OF THE 27N MILITARY DEFENDANTS SEIZED AND HELD THE COMMANDER OF THE MILITARY POLICE REGIMENT AT FORT TIUNA, COL. NAVARRO MARTINEZ, TO PROTEST THE SUMMARY MILITARY TRIBUNAL AND THE FAILURE OF THE SUPREME COURT TO MEET AND TO HEAR THEIR REQUEST THAT THE SPECIAL WAR COUNCIL BE DECLARED ILLEGAL. AFTER A FEW HOURS, SECURITY ELEMENTS MOVED IN AND EMPLOYED TEAR GAS TO RESCUE THE COLONEL. THERE WERE NO CASUALTIES.

5. COMMENT. THE INFORMATION RELEASED SO FAR ON THE VERDICTS OF THE SPECIAL WAR COUNCIL IS INCOMPLETE AND DOES NOT SEEM TO INCLUDE ALL THE DEFENDANTS. MOST NOTABLY, WE HAVE NOT SEEN SPECIFIC INFORMATION REGARDING THE VERDICTS AND SENTENCES IMPOSED ON THE 27N COUP LEADERS, SUCH AS ADMIRALS GRUBER AND CABRERA.

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